

## WDEQ Surface Water Quality Standards Triennial Stakeholder Group Meeting

### NOTES From 3/11/21

#### Attendees

Organization/Interest	Contact Name	Contact Email	Present
WY Department of Environmental Quality	David Waterstreet	David.Waterstreet@wyo.gov	Yes
WY Department of Environmental Quality	Lindsay Patterson	Lindsay.Patterson@wyo.gov	Yes
WY Dept. of Envir. Quality	Madeleine Hamel	Madeleine.Hamel@wyo.gov	Yes
WY Dept. of Envir. Quality	Gina Thompson	Gina.Thompson@wyo.gov	Yes
Ruckelshaus Institute	Jessica Western	biggoosecreekresolutions@gmail.com	Yes
US Forest Service Region 2	Karen Vyverberg	karen.vyverberg@usda.gov	Yes
US Forest Service Region 4	Mark Muir	mark.muir@usda.gov	Yes
National Park Service	Sharla Stevenson	Sharla_Stevenson@nps.gov	No
US Bureau of Reclamation	Lyle Myler	lmyler@usbr.gov	Yes
US Fish and Wildlife Service	Kim Dickerson	kimberly_dickerson@fws.gov	Yes
Natural Resource Conservation Service	Andi Neugebauer	andi.neugebauer@usda.gov	Yes
US Geological Survey	Cheryl Miller	cemiller@usgs.gov	Yes
Office of State Lands and Investments	Benjamin Bump	benjamin.bump@wyo.gov	Yes
WY State Parks	Conrado Deniz	conrado.deniz@wyo.gov	Yes
WY State Engineer's Office	Jason Feltner	jason.feltner@wyo.gov	Yes
	Sam Swartz	sam.swartz@wyo.gov	Yes
WY Game and Fish Department	Amanda Losch	amanda.losch@wyo.gov	Yes
	Lara Gertsch	lara.gertsch@wyo.gov	No
Wyoming Water Development Office	Mike Robertson	mike.robertson1@wyo.gov	Yes
WY Department of Agriculture	Scott McDonald	Scott.mcdonald@wyo.gov	No
WY Department of Health	Karl Musgrave	karl.musgrave@wyo.gov	No
WY Outdoor Council	Dan Heilig	dan@wyomingoutdoorcouncil.org	Yes
Trout Unlimited	Liz Rose	liz.rose@tu.org	Yes
Powder River Basin Resource Council	Jill Morrison	jmorrison@powderriverbasin.org	Yes

Organization/Interest	Contact Name	Contact Email	Present
WY Association of Rural Water Systems	Michelle Christopher	mchristopher@warws.com	No
	Mark Pepper	markp@warws.com	Yes
WY Association of Municipalities	Clint Bassett	cbassett@cheyennebopu.org	No
	Matt Buelow	mbuelow@cheyennebopu.org	Yes
WY County Commissioners Association	Terry Wolf	terrywolf@washakiecounty.net	Yes
WY Association of Conservation Districts	Cathy Rosenthal	cathy.rosenthal@conservevy.com	Yes
WY Petroleum Association	Tom McCormick	Thomas_McCormick@eogresources.com	No
	Matt Smith	matt.smith@vaquerobighorn.com	Yes
WY Mining Association	Dale Brown	dbrown@wwcengineering.com	Yes
National Outdoor Leadership School	Jonathan Williams	jonathan_williams@nols.edu	Yes
WY Contractors Association	Chris Fare	chris@melgaardconstruction.com	Yes
WY Farm Bureau Federation	Ken Hamilton	khamilton@wyfb.org	Yes
WY Stock Growers Association	Jim Magagna	jim@wysga.org	No

### Welcome (David Waterstreet, WDEQ)

- This is a long-awaited opportunity to discuss standards.
- Expansive stakeholder group included to make sure all interests are represented.
- Anticipate significant changes to the standards.
- The Ruckelshaus Institute has been working with us on this process.
- Rule revision process starts scoping, then Water Waste Advisory Board, Environmental Quality Council, Governor, and finally EPA.
- Intend for this to be an open process and that we will get into details with some of the topics.
- WDEQ would like input, what your interests are in your area, want to know what you want to see changed
- WDEQ would like to see a bit of consensus and want robust discussion across diverse issues
- At the end of this process WDEQ would like to know we are on the right track. Did not want to lose, what else do we need to consider? We might not be able to address all of these issues.
- Lindsay and Madeleine are the technical experts, and Gina Thompson will help with all the procedural aspects.
- WDEQ wants real conversation, wants stakeholders to engage, want to hear what you have to say.
- Want to get into the challenging subjects and work through as a group together to come to consensus.

## **Agenda, Introductions**

- Agenda (Jessica Western, Ruckelshaus Institute)
  - Introductions, Website, Presentation of Information, Breakout groups to discuss Presentation of Information, Subsequent Meeting Dates.
- Website (Lindsay Patterson, WDEQ)
  - Link to webpage was sent via email
  - Webpage is intended to assist with discussions.
  - Showed different topics we plan to discuss, emphasized that we are not limited to just these topics.
  - Contact information for participants.
  - Background Resources have a ton of information on the triennial review, Clean Water Act information and regulations, other states water quality standards,
  - Topic Resources will be added to as information needs are identified.
  - Meeting Materials will include agenda, notes, etc.
  - Continue to look for updated information.

Contact Jess or Lindsay if there are any additional questions.
- Process Matrix (Jessica Western, Ruckelshaus Institute)
  - Process matrix is used to help facilitate discussions.
  - Outcome for today is to share information and find out additional information needs.
  - Next meeting will focus on the interests stakeholders have in water quality standards. This is a collaborative learning process.
  - third meeting will really focus on crafting considerations, which will happen in all meetings, but mostly 3,4,5, will help share what you want for WDEQ to consider for revisions to the standards.
  - A 6<sup>th</sup> meeting could be added if we need it.
- Zoom (Jessica Western, Ruckelshaus Institute)
  - There is a reaction button on Zoom that says “raise hand.” Please use that if you have a question, and we want to keep this informal and free flowing with discussions.

## **Information Session 1 (Lindsay Patterson, WDEQ)**

- Lindsay Patterson shares PowerPoint presentation on Wyoming Surface Water Quality Standards” to provide foundation of work together and clarify where DEQ does and does not have flexibility
- Presentation sent to everyone as a PDF file
- Clarifications and Questions
  - Class 1 Waters. Class 1 waters are similar to EPA’s Outstanding National Resource Waters/Tier 3 waters in that the quality of those waters should be maintained.
  - Standards for Reservoirs. Standards for reservoirs are generally the same as the standards of the impounded waterbody, unless the waterbody has been designated differently in the standards
  - Exceptions for low flow can be because of drought or natural conditions, however, the standards can also be established taking into consideration hydrologic modifications.

- Class 1 Waters. The exact process for nominating a waterbody as Class 1 has not been fully formalized, however, the process is discussed in Section 7 of the standards and the designations must be made through the formal rulemaking process through the Environmental Quality Council. Current Class 1 waters includes all waters in wilderness areas, national parks. Additional waterbodies that may be appropriate would be wild and scenic rivers.
- Modifications to the Standards. Section 33 and 34 lay out the process to change designated uses and water quality criteria. If modifying a fishable and swimmable use or criteria, you must use the factors in Section 33, derived from the federal regulations, to demonstrate that the use or criteria are not attainable.
- Standards for the Wind River Reservation. EPA implements the Clean Water Act on tribal lands. Tribes do have the ability to create their own water quality standards, however, this is a specific process and has not been formally completed on the Wind River Indian Reservation. The Wind River Indian Reservoir has developed their own standards that are very similar to ours, however, they have not been through the formal approval process to obtain treatment as a state. WDEQ, the tribes, and EPA work together because water bodies flows in and out of our two jurisdictions. The EPA uses the tribes standards to develop discharge permits. The permits must take into consideration downstream water quality standards, so EPA has to think about that as well. The reservation is treated similar to how WDEQ would treat another state – we work cooperatively with one another.
- Local conditions (such as sedimentation in the Bighorn Basin), variability, and how they are factored into water quality standards. Turbidity criteria will be discussed later. Standards can be modified to reflect site-specific conditions and should reflect what is attainable in a given waterbody.
- Water Quality Standards of Public Lands. Water Quality Standards differ depending on the waterbody and not all waters on public lands are designated the same. For antidegradation categories, some public lands such as wilderness areas and national parks are designated as Class 1.
- Determining designated uses. The designated uses assigned to specific waterbodies can be obtained from the classification list that will be discussed in the next presentation.

## **Information Session 2 (Lindsay Patterson, WDEQ)**

- Lindsay Patterson shares PowerPoint that discusses the primary topics being considered as part of the triennial review
- Presentation sent to everyone as a PDF file
- Clarifications and Questions
  - For 3a to 3c waters, are there different monitoring and effluent requirements or are there differences by the subgroups. With the exception of 3D waters, all of these water bodies are generally going to have the same type of effluent limits because they have the same designated uses and therefore the same water quality criteria
  - Examples of 2B and 2C waters. A 2ABwarmwater is the Belle Fourche River. A tributary to the Belle Fourche River that contains just nongame fish would be 2C. DEQ used a Wyoming Game and Fish Database from 2000 to assign fisheries and drinking water designated uses. Waterbodies with cold water game fish present in the database were

designated 2AB and waterbodies with warmwater game fish were designated 2AB warm water. Waterbodies with game fish only were designated as 2C. And waters without any fish were designated 3B. Often classifications were made from an entire waterbody, from mouth to headwaters based on the data that was available at the time.

Waterbodies clearly change characteristics and aquatic communities such as temperature and should have different designated uses.

- At what point are there too many classifications. Some states do not have any classifications and one option would be to eliminate the classification system and keep the designated uses in place.
- Process exists to address problems such as E. coli. Important to address issues as quickly as possible, such as cyanobacteria and algae blooms. Like to address issues with local stakeholders and ensure that standards are accurate.
- Criteria differences for drinking water and recreation. Management of waters for different uses. Yes, there are criteria differences for drinking water and recreation and these waters would be managed differently. Federal legislation under the Safe Drinking Water Act has developed maximum contaminant levels and drinking water advisories and we also want to inform the public of the potential health risks associated with cyanobacterial blooms.
- Plan to revisit turbidity and implementation policies during the next meeting.

#### **Small Group Session Recap (Jessica Western, Ruckelshaus Institute). Information Needed:**

- Examples for what recreation looks like
- What would cyanotoxin criteria look like
- Examples of what other states have
- Implications of changing things
- Understand EPA requirements so we know what we can and cannot change, what would and would not be approved
- Examples to establish a good baseline.
- Concerns with mercury and other substances
- Desire to be more proactive, to address issues before they become issues
- Some designated uses and standards are nebulous, such as scenic value; would be important to address the vagueness.
- There were concerns over minor and major revisions, so what is the anticipated degree for this revision period.
- Interests in better understanding the history of classifications, information on why a certain water body received the classification it did at the time of designation.
- How are economic considerations factored in regarding how revisions are moving forward.
- How can convey what the group needs to prepare for the following meeting.
- If there are questions in between meetings, who do we need to contact?
- Examples of how other states designate uses on their water bodies
- How can we make sure uses are being directly tied to water bodies?
- Clarification on different designated uses.
- Standards for emerging contaminants such as pharmaceuticals and microplastics

**Future Meetings (Jessica Western, Ruckelshaus Institute)**

- Poll sent to schedule next meeting
- Doodle Poll sent to schedule next and subsequent meetings
- Future Zoom links and agendas will be sent to the group
- Will email information that will be helpful to review in advance of meetings or post on the website
- Refer questions about process to Jessica
- Refer technical questions to Lindsay, David, or Gina
- There will always be the notes from the meeting if you cannot attend meeting, so you can stay up to date with what is going on.

**Closing (Jessica Western, Ruckelshaus Institute)**

- Next meeting date will be sent out as soon as possible.
- Jessica will update everyone as information comes in and refers folks to the website.